S.B. Criminal Misc. Bail Application No.3388/2006
Date : 07.08.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. P.N. Mohanani for the applicant.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that in this case three statements of the prosecutrix are available on record; first dated 25.03.2006, second dated 28.06.2006 and last has been recorded on 09.05.2006. He submits that in the first statement of prosecutrix there is nothing against the applicant and she has stated that she at her own will went the applicant and has not stated that the accused has ever committed rape with her. Learned counsel submits that in the statement recorded under Section 164 Cr.P.C. the prosecutrix, again this aspect was missing that she

was raped and she on her own went with accused -applicant. In last, learned counsel submits that only in Titamba Bayan, recorded on 09.05.2006 she has stated that she was subjected to intercourse by the accused-applicant. Learned counsel submits that there was no occasion to record such Titamba Bayan after two statements were recorded; one by the police and other by the Magistrate and this itself goes to show that the accused-applicant has been involved in this case falsely.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case and so also the fact that the prosecutrix being major as stated by her in her statement as her age as 19 years, I deem it just and proper in the above circumstances to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Liaqat son of Ismile shall be released on bail in FIR No.70/2006 P.S. Gangapur, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

vijayant